

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KENNETH RAY TIBBS,
Petitioner,
v.
UNITED STATES OF AMERICA,
Respondent.

Case No. C20-1682RSL

**ORDER DIRECTING THE
UNITED STATES TO
ANSWER § 2255 PETITION**

This matter comes before the Court on Petitioner’s “Motion to Vacate, Set Aside, or Correct Sentence Pursuant to § 2255” (Dkt. # 1). After a preliminary review of the motion, the Court ORDERS as follows:

(1) Within forty-five (45) days after the filing of Petitioner's § 2255 Motion, the United States shall file and serve an Answer in accordance with Rule 5 of the Rules Governing Section 2255 Cases in United States District Courts. As part of its Answer, the United States shall state its position as to whether an evidentiary hearing is necessary, whether any discovery is necessary, whether there is any issue as to abuse or delay under Rule 9, and whether Petitioner's motion is barred by the statute of limitations.

(2) On the face of its Answer, the United States shall note this matter for the fourth Friday following the filing of its Answer, and the Clerk shall note the matter on the Court's docket accordingly. Petitioner may file a Reply to the Answer no later than that noting date.

1 The Clerk shall direct a copy of this Order to Petitioner.

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3 DATED this 18th day of November, 2020.

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6 Robert S. Lasnik

7 United States District Judge

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